IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1059(S/S) of 2007

1. Smt. Rekha Gunwant W/o Pankaj Gunwant
   (Km. Rekha Joshi D/o Shri Mohan Chandra Joshi)
   R/o Opposite Police Station Kathgodam, P.S. Kathgodam,
   Haldwani, District Nainital
2. Krishan Chandra S/o Shri Govind Ram
   R/o Village Okhalkanda Talla, P.O. Khansun
   District Nainital

-------Petitioners

Versus

1. State of Uttarakhand through Secretary Education
   Uttarakhand, Dehradun
2. Additional Director, State Counsel of Education Research and
   Training (S.C.E.R.T.) Uttarakhand, Narendranagar,
   District-Tehri Garhwal
3. Principal District Institute of Education and Training (D.I.E.T.)
   Bhimtal, District Nainital
4. Counseling Committee, District Institute of Education and
   Training (D.I.E.T.) Bhimtal, District Nainital through its
   Chairman

---------Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.N. Babulkar, learned Senior Counsel assisted by Sri Yogesh Pacholia, learned counsel for the petitioners and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for the respondents.

The main controversy in this writ petition is that the petitioners have passed Vyayam Visharad Training Course, which is equivalent to C.P.Ed. from Maharani Laxmibai Vyayam Mandir, Vyayam College, Jhansi, U.P. in the year 1993 and 1995 as a regular Student. The stand of the petitioner is that they have been provisionally selected for Special B.T.C. Training Course and were

asked to furnish the documents to prove that they have passed the training as a regular student and further the training course is recognized by N.C.T.E.

Learned counsel for the petitioner has submitted that they have already submitted the relating documents to the effect that they have passed C.P.Ed. course as a regular student from the said institution. Learned counsel for the petitioner has further submitted that so far as the second condition that the course is recognized by N.C.T.E. or not is concerned, the N.C.T.E. Act came into force w.e.f. 1st July, 1995, whereas the petitioners have passed C.P.Ed. prior to enforcement of N.C.T.E. Act. In spite of this fact, the petitioners are not being considered for selection, as the Training certificate which is obtained by the petitioners, is not recognized by the N.C.T.E.

In my judgment, in the case of Writ Petition No. 4459 (S/S) of 2001, Pradeep Kumar Nautiyal & Ors. Vs. State & Ors. connected with other writ petitions delivered on 19th July, 2007, this Court has already held in the case of Jammu and Kashmir that since the Act was not applicable in the University of Jammu and as such the students, who have obtained B.Ed. degree from Jammu University as a regular student, in their case, the Government may pass suitable order.

Almost the similar question is involved in this writ petition. Though the Act is applicable in the State of U.P., as the learned counsel for the petitioners has submitted that the petitioners have obtained their C.P.Ed. degree from the said institution at the time when the N.C.T.E. Act was not in force as the same has come into force w.e.f. 1st July, 1995.

In these circumstances, the same directions are being given to the petitioners to approach the Secretary Education, Dehradun and the Secretary Education, Dehradun is directed to take decision within a period of one week from the date of production of a certified copy of this order along with the representation.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal,J.)

10.08.2007
VKS